

FRIDAY, JULY 7, 1978



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[4310-02]

## DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 161]

## RIGHTS-OF-WAY OVER INDIAN LANDS

## Proposed Revisions

JUNE 27, 1978.

AGENCY: Bureau of Indian Affairs, Department of the Interior.

ACTION: Proposed revisions.

SUMMARY: The Bureau of Indian Affairs is proposing to make minor revisions to regulations dealing with the granting of rights-of-way over and across tribal land, individually owned Indian land, and Government-owned land under the jurisdiction of the Bureau of Indian Affairs. Inasmuch as the rights-of-way regulations underwent major revisions in 1968 and subsequently there has been no major legislation affecting rights-of-way over and across Indian lands, the revisions contained herein are considered necessary as they will clarify certain policies and procedures concerning the granting of rights-of-way.

DATES: Comments and suggestions on the proposed regulations should be submitted on or before August 7, 1978.

ADDRESSES: Comments and suggestions should be sent to the Director, Palm Springs Office, Bureau of Indian Affairs, 587 South Palm Canyon Drive, Palm Springs, Calif. 92262.

## FOR FURTHER INFORMATION CONTACT:

Richard S. McDermott, Director, Palm Springs Office, Bureau of Indian Affairs, 587 South Palm Canyon Drive, Palm Springs, Calif. 92262, telephone 714-325-2163.

SUPPLEMENTARY INFORMATION: The primary author of this document is Richard S. McDermott, Director, Palm Springs Office, Bureau of Indian Affairs, 587 South Palm Canyon Drive, Palm Springs, Calif. 92262, telephone 714-325-2163. The proposed changes are the result of designation as one of the Bureau of Indian Affairs ten major management improvement projects. A sub-task force for revision of part 161 appointed by the Commissioner of Indian Affairs met in Denver, Colo., on August 25-26, 1976. This proposal would revise certain sections of the regulations which are considered minor in their context. Inasmuch as the rights-of-way regulations underwent major revisions in 1968 and subsequently there has been no major legislation affecting rights-of-way over and across Indian lands, the revisions contained herein are considered necessary as they will clarify certain policies and procedures concerning the granting of rights-of-way.

It is therefore proposed to amend 25 CFR Part 161 to read as follows:

## PART 161—RIGHTS-OF-WAY OVER INDIAN LANDS

1. By revising the first sentence of § 161.3(c) to read as follows:

§ 161.3 Consent of landowners to grants of rights-of-way.

(c) The Secretary may issue permission to survey with respect to, and he may grant rights-of-way and service line agreements over and across individually owned lands without the consent of the individual Indian owner when (1) \* \* \*

2. By revising the first sentence of § 161.5 to read as follows:

§ 161.5 Application for right-of-way.

Written application, in duplicate, for a right-of-way shall be filed with the Secretary which shall identify the specific use for which it is being sought. \* \* \*

3. By adding the following sentence at the end of § 161.12 to read as follows:

§ 161.12 Consideration for right-of-way grants.

\* \* \* The appraised fair market value of any or all rights granted or damages incurred as a result of the right-of-way granted or renewed shall be determined by Bureau appraisers and will be furnished to the landowners, prior to the issuance of consent forms to the applicants.

4. By revising the first sentence of § 161.20 to read as follows:

§ 161.20 Termination of right-of-way grants.

All rights-of-way granted under the regulations in this part may be terminable in whole or in part upon 30 days written notice from the Secretary mailed to the grantee at its latest address furnished in accordance with § 161.5(j), for any of the following causes: \* \* \*

NOTE.—The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821 and OMB Circular A-107.

RICK LAVIS,  
Acting Assistant  
Secretary—Indian Affairs.

[FR Doc. 78-18804 Filed 7-6-78; 8:45 am]

[4830-01]

## DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1 and 55]

[LR-218-76]

## INCOME TAX

Real Estate Investment Trusts

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the taxation of real estate investment trusts. Changes to the applicable tax law were made by the Tax Reform Act of 1976 and by the act of January 3, 1975. All real estate investment trusts will be affected by the proposed regulations.

DATES: Written comments and requests for a public hearing must be delivered or mailed by September 5, 1978. In general, the changes made by the Tax Reform Act of 1976 relating to real estate investment trusts apply to taxable years beginning after October 4, 1976, or to certain court decisions or other determinations occurring after that date. Certain changes made by the Tax Reform Act of 1976, however, apply to taxable years ending after October 4, 1976. The changes made by the act of January 3, 1975, apply to certain property acquired after December 31, 1973.

ADDRESS: Send comments and requests for a public hearing to Commissioner of Internal Revenue, Attention: CC:LR:T (LR-218-76), Washington, D.C. 20224.

## FOR FURTHER INFORMATION CONTACT:

Charles M. Whedbee of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3487, not a toll-free call).

## SUPPLEMENTARY INFORMATION:

## BACKGROUND

This document contains proposed amendments to the Income Tax Regulations (26 CFR part 1) under sections 856, 857, 858, 859, and 860, of the Internal Revenue Code, which relate to real estate investment trusts. Proposed amendments that are generally in the nature of conforming amendments are also made to the relations under the following Code sections: 46, 50B, 164, 172, 275, 316, 381, 441, 442, and 512. This document also contains proposed procedural and administrative regulations relating to the excise tax im-